



CERTIFICATE OF MAILING

I hereby certify that this application is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450 on April 13, 2004.

Signature Joyce Ford

Printed Name: Joyce FORD

Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richey, II)
Serial No.: 09/967,274)
Filed: September 27, 2001)
For: **CARBON DIOXIDE-BASED**)
BI-LEVEL CPAP CONTROL)
Attorney Docket No.: 12873/04169)

Examiner: Erezzo

Art Unit: 3761

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Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE

This communication is in response to the Office action of January 14, 2004. The following sections are included herein:

Page 2: Listing of the Claims.

Page 8: Remarks.



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TRANSMITTAL OF RESPONSE

Following documents, enclosed herewith, are submitted in response to the Office Action dated January 14, 2004:

- (1) A Response (16 pgs);
- (2) Return receipt postcard.

It is our understanding that no fee is required for the filing of this Response. If there are any fees due, please charge such additional fees to our Deposit Account No. 03-0172. A duplicate of this letter is enclosed for accounting purposes.

Respectfully submitted,

Date 4/13/04

Warren M. Haines II
Warren M. Haines II, Reg. No. 40,632
(216) 622-8477